

REMARKS

Claims 1 and 3-30 are pending in this application. Claims 11-22 are withdrawn from consideration. By this Amendment, claims 1, 3-5, 10-14, 21, 23 and 24 are amended, and claims 29 and 30 are added. No new matter is added by this Amendment. Support for new claim 29 can be found in the subject matter deleted from claim 1, and in original claim 2, and support for new claim 30 can be found in the subject matter deleted from claim 21.

The courtesies extended to Applicant's representative by Examiners Ware and Naff at the personal interview held June 15, 2007, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

I. Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 1, 3-10 and 23-28 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection is respectfully traversed.

The Patent Office alleges that claims 1, 3-10 and 23-28 are allegedly vague and indefinite because (1) it is allegedly unclear what is meant by the term "circulation," and (2) the steps of preparing are not recited in the claims.

As suggested by Examiners Ware and Naff during the June 15, 2007 personal interview, Applicant has amended claim 1 to recite "circulation or recirculation" instead of "circulation." As described in the specification, the "recirculation" mode refers to solutions circulating on the surface to be treated, i.e., the solutions are driven by a pump, for a desired contact time. See page 11, lines 11-20 of the specification. It would not be accurate to refer to the circulation as merely "recirculation" because the first circulation would not be a "recirculation." Applicant thus submits that the term "circulation or recirculation" as recited in claim 1 recites the features of the claimed method and is definite.

Further, as admitted by Examiners Ware and Naff during the June 15, 2007 personal interview, it is not necessary to recite the method of preparing the solutions of claim 1 as such a preparation method is clearly described in the specification and is known by one of ordinary skill in the art.

Thus, each of the terms recited in the present claims is definite, and the metes and bounds of the claims can be determined by one of ordinary skill in the art.

For the foregoing reasons, claims 1, 3-10 and 23-28 are definite and comply with the requirements of the 35 U.S.C. §112, second paragraph. Reconsideration and withdrawal of the rejection are thus respectfully requested.

II. Rejection Under 35 U.S.C. §102(e)

The rejection of claims 1, 3-5, 7 and 8 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,773,223 ("Xu") was maintained in the Patent Office's first Response to Arguments section. This rejection is respectfully traversed.

The Patent Office alleges that Xu teaches a method of removing a biofilm comprising carrying out by washing a surface to be treated with (a) the solution comprising an enzyme mixture of proteases, esterases, lipases, galactosidase, and amylase and (b) applying an alkaline solution of detergent containing a surfactant. Applicant respectfully disagrees with the Patent Office's assertion that Xu teaches all of the features recited in claim 1.

Xu does not teach or suggest a method of removing a biofilm comprising the steps of (1) preparing a solution consisting of water, an optional buffer and an enzyme mixture containing at least one protease, at least one esterase and an amylase, (2) preparing a solution consisting of a detergent with an alkaline pH, and (3) applying the solutions, by washing or recirculation, to the surface to be treated, thereby removing the biofilm, as required in claim 1.

Xu teaches a solution containing an acylase and a carrier. See column 2, lines 40-45 of Xu. This solution may be augmented by a detergent and/or enzymes, such as amylase, esterase, and a proteolytic enzyme. See column 7, lines 15-19 and 40-50 of Xu.

During the June 15, 2007 personal interview, Examiner Naff alleged that it would have been obvious to remove the acylase and carrier from the solution taught by Xu. Applicant disagrees. Xu consistently teaches that acylase and a carrier must be present in its solution, and that the amylase, esterase and proteolytic enzyme are merely optional additional enzymes that may be selected. See, for example, column 2, lines 7-63 and column 7, lines 40-50 of Xu. Thus, there would have been no reason to remove the required components, i.e., the acylase and carrier, from the solution taught by Xu, as alleged by Examiner Naff during the interview.

Xu thus teaches that its solution must include acylase and a carrier. Thus, Xu does not teach or suggest a solution consisting of water, an optional buffer and an enzyme mixture containing at least one protease, at least one esterase and an amylase. Nothing in Xu teaches or suggests that the composition therein would have the same cleaning properties if the acylase or the carrier were removed from the composition.

As such, Xu does not teach or suggest all of the features recited in claim 1. Specifically, Xu does not teach or suggest a method of removing a biofilm that includes preparing a solution consisting of water, an optional buffer and an enzyme mixture containing at least one protease, at least one esterase and an amylase as required in claim 1.

For the foregoing reasons, Xu does not teach or suggest all of the features recited in claims 1, 3-5, 7 and 8. Reconsideration and withdrawal of the rejection are thus respectfully requested.

III. Rejection Under 35 U.S.C. §103(a)

Claims 1, 3-10 and 23-28 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Xu, in view of U.S. Patent No. 6,762,160 ("Barbeau") and U.S. Patent No. 5,238,843 ("Carpenter") and U.S. Patent No. 6,992,053 ("Cermenati"). This rejection is respectfully traversed.

Barbeau, Carpenter and Cermenati, in combination or alone, do not remedy the deficiencies of Xu. Specifically, Barbeau, Carpenter and Cermenati also do not teach or suggest (1) preparing a solution consisting of water, an optional buffer and an enzyme mixture containing at least one protease, at least one esterase and an amylase, (2) preparing a solution consisting of a detergent with an alkaline pH, and (3) applying the solutions, by washing or recirculation, to the surface to be treated, thereby removing the biofilm, as required in claim 1.

For the foregoing reasons, Xu, Barbeau, Carpenter and Cermenati, in combination or alone, do not teach or suggest all of the features recited in claims 1, 3-10 and 23-28.

Reconsideration and withdrawal of the rejection are respectfully requested.

IV. Rejoinder

Applicant submits that upon allowance of elected claims 1-10 and 23-29, withdrawn claims 11-22 and 30 should be rejoined and similarly allowed. Thus, Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-30 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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